

AT THE REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE CULPEPER COUNTY MIDDLE SCHOOL, LOCATED ON ACHIEVEMENT DRIVE, ON TUESDAY APRIL 6, 2004

**Board Members Present:**     **John F. Coates, Chairman**  
                                         **Steven L. Walker, Vice-Chairman**  
                                         William C. Chase, Jr.  
                                         Sue D. Hansohn  
                                         James C. Lee  
                                         Steven E. Nixon  
                                         Brad C. Rosenberger

**Staff Present:**                     Frank T. Bossio, County Administrator  
                                         J. David Maddox, County Attorney  
                                         John C. Egertson, Planning Director  
                                         Sam McLearen, Zoning Administrator  
                                         Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and welcomed everyone to the meeting. He said this was a public hearing and it had been called by the Board of Supervisors pursuant to the Code of Virginia to hear citizens' comments regarding CASE NO. Z-383-02.1, request by Centex Homes, Kenneth Thompson, Minnie Thompson, Newwales, L.C., South Wales Utility, Inc., and South Wales, L.P. to rezone 1,754.07 acres from A-1, RA, R-1, and R-2 to PUD (Planning Unit Development).

Mr. Coates stated so that the Board of Supervisors may have the full benefit of comments, it was their desire to have an orderly hearing and in an effort to achieve this, the following Rules of Order would prevail:

1. All speakers must be recognized by the Chair;
2. Each speaker must come to the podium and address his/her comments directly to the Board of Supervisors;
3. State name and magisterial district;
4. Each speaker should limit his/her remarks to no more than three minutes. The County Administrator will time each speaker with a three-minute timekeeper;
5. No speaker will be allowed to speak more than once until all who wish to speak have had a chance to do so;
6. Speakers are encouraged to be direct, to the point and as brief as possible;

Mr. Coates said this hearing was not intended to be a debate and comments to the audience were not appropriate, and unruly or rude behavior would not be tolerated.

**RE: AGENDA ADDITIONS AND/OR DELETIONS**

Mr. Nixon moved, seconded by Mr. Lee, to hear the agenda as published.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**UNFINISHED PLANNING COMMISSION BUSINESS**

**CASE NO Z-383-02-1.** Request by Centex Homes, Kenneth Thompson, Minnie Thompson, Newwales, L.C., South Wales Utility, Inc., and South Wales, L.P. to rezone 1,754.07 acres from A-1, RA, R-1 and R-2 to PUD (Planned Unit Development). The proposal would allow for up to 774 dwelling units and 398,000 square feet of retail and office/employment space. The property is located on Routes 211, 229 and 621 in the Jefferson Magisterial District. The Culpeper County Comprehensive Plan designates this area for commercial, low and medium density residential development. Tax Map/Parcel Nos. 7/1, 1A, 1B, 1C, 2, 2A and 8/1 (Portion), 1B.

Mr. John Egertson, Planning Director, informed the Board that the case before the Board was last considered in December 2003 and much had changed since that time. He said he did not wish to make a lengthy presentation, but would provide a brief summary of the case and its current status. He said there has been a written request by the applicant to defer action on this case until April 29<sup>th</sup>. See attachment #1 for details of Mr. Egertson's update.

Mr. Egertson read into record the deferral request made by the applicant. See attachment #2 for details of letter from John J. "Butch" Davies III, requesting the deferral and reasons why.

Mr. Coates asked Mr. Howard to address the water and sewer service.

Mr. Paul Howard, Director of Environmental Services, updated the Board and audience on the status of the water and sewer negotiations that had been taking place since the County rejected the BESST process for the wastewater treatment plant. See attachment #3 for details of Mr. Howard's report.

Mr. Butch Davies, Attorney representing the applicants, informed the Board and audience that the issues described by Mr. Egertson and Mr. Howard were the reasons for requesting the deferral. Mr. Davies provided a brief overview of the project and stated that a number of new issues had been added, but a number of issues had been addressed and revised. He said the most significant change was the reduction of homes to 766. The proposal was preserving about

700 acres and he felt this was an opportunity to comply with the Comprehensive Plan Village Center concept. He said by preserving 700 acres, it was a unique opportunity to protect the Rappahannock River. He thanked the staff for their hard work on the project and asked the Board for their favorable decision to postpone the decision until April 29<sup>th</sup>.

Jamie Emery, Emery & Garrett Groundwater, pointed out that a large amount of work had been done on the project. He said because of the concerns raised by a number of residents in the area regarding the drought and after reviewing the reports, at no time did the wells run dry at South Wales and he felt the data collected was thorough and complete.

Bill Neville, Bowman Consulting, informed the Board that 96 units were transferred from the southern fringe of the site into the village center. Mr. Neville displayed an exhibit that highlighted the neighborhood and pointed out that the project included a community center, pool/recreation facilities, and school campus, planned open space to be preserved and a pedestrian circle plan. He said this development would be a creation of a community and each application would be reviewed. The development would be served by an alley system and cars would be removed from the streets. He said a 1,000 square feet of retail on Main Street was proposed, which was a significant change. The landscape buffer had been increased to 200 feet in an effort to save the wooded area, and there had been focus on the commercial district. He asked the Board to move forward.

John Foote, Attorney with Walsh, Colucci and Lubeley, addressed the proffers and said that only the State prepared detailed set of standards, and these proffers were the most detailed proffers he had ever seen. He said the proffers were a legally enforceable document by the County.

Steve Plescow, Centex Homes, thanked the Board for the opportunity to address them and he pledged his commitment to be partners with the County in implementing the vision for the first village center to move forward in the County. He said there was a major construction supplier located in the Culpeper County and he intended to continue doing business with them. He said he felt this was a good plan, but time was needed to work out the water and sewer issues. He said that Centex would still be responsible for developing an adequate water and sewer system and would dedicate the system to the County at no cost. He felt this would create an opportunity for the County, and that it met the requirements of the Comprehensive Plan.

Mr. Rosenberger said that a lot of people were present tonight that came to speak; but, if it was the Board's desire to honor the request for postponement, he felt the citizens should be given an opportunity to speak. He stated that he would not support the request to postpone at

this time. Mr. Chase stated that any tabling vote should come at the outset of the meeting so the residents who wanted to save their speeches for another night could go home. But, he could not make a decision until he had seen the complete project as a whole. He reminded his fellow Board members that the Board had asked Centex to make changes.

Mr. Chase moved, seconded by Mr. Lee for discussion purposes, to grant the request to postpone until April 29<sup>th</sup>.

Mrs. Hansohn stated her opposition to the postponement and said that this case had been heard several time and she was of the opinion that it would not work the way it was proposed. She had real concerns about Centex's operation and what was being offered, and she would not support the deferral.

Mr. Coates stated that he had concerns with the proposed water and sewer system because there was no proven track of the system, and he would support the request to postpone. Mr. Nixon and Mr. Walker stated they would like to hear Centex's final proposal before making a decision.

After comments from the Board members, Mr. Coates called for vote on motion to grant the request to postpone.

Ayes – Chase, Coates, Lee, Nixon, Walker

Nays – Hansohn, Rosenberger

Motion carried 5 to 2.

A discussion ensued whether or not to open the public hearing and call for public comments.

Mr. Coates opened the public hearing at 8:10 p.m. and emphasized that each speaker would be held to the three (3) minute rule.

Edward Petersen, Jefferson District, distributed a document regarding his concerns about the water and sewer issues, particularly the water supply during drought periods. He spoke in opposition to the proposed rezoning. A copy of his presentation is available in the Deputy Clerk's Office for review.

Helen Giesler, Stevensburg District, stated her opposition to the rezoning request and elaborated on a number of reasons for her opposition.

John Hagerty stated he was from the northern part of the County and that he was disappointed that the Board granted the postponement before the people had a chance to speak. He said that water and sewer issues were a critical element and asked the Board to deny the request.

Barbara Groshans, Jefferson District, spoke in opposition to the rezoning request and asked for assurance there were no conflicts of interest involved with the Board members.

Debra Crawford, Jefferson District, stated her opposition to the rezoning request because the County was predominately an agricultural community and she felt it would ruin the quality of life in the area.

Laura Campbell, Stevensburg District, spoke neither in favor nor in opposition to the request, but emphasized the importance of a watershed.

Ann Howard, Jefferson District, referenced the Davenport report and noted according to a report prepared by Department of Environmental Quality (DEQ) that the water/wastewater sewer plant at South Wales must be repaired by December 2004.

Ken Duckworth, Jefferson District, spoke in opposition to the rezoning request and expressed concern with the increased traffic the development would create.

Jerry Stanley, Jefferson District, said he would like to see a long-range impact study on traffic, and noise and expressed concern with the disturbances that it would create in the area, particularly with the wild life.

Dan Holmes, East Fairfax District, said there were too many unanswered questions and asked the Board to deny the request.

Monira Rufot, Rappahannock County, said it was the Board's responsibility to be stewardships of the land and asked the Board to deny the request.

Bob Rabold, Jefferson District, asked how the new information would be submitted and what were the County's plans to operate the sewer plant.

Robert Weber, Jefferson District, expressed concern with the increased traffic the development would create and the damage that could be done to the Rappahannock River and asked the Board to deny the request.

Tom Neal, Jefferson District, stated that the developer could build 500 homes by right and asked the Board to deny the request.

Janet Cristophoro, Jefferson District, questioned Centex's credibility and asked the Board to consider seriously the impact it would have on the schools.

Michelle North, Jefferson District, felt that the timing was not right for the development and felt the County could not absorb the growth at this time. She said it was all about money and asked the Board to deny the request.

Don Webb, Jefferson District, questioned the Board's measurement of effectiveness because over 500 homes have been built in the area over a 20-year period.

Bob Burnette, representing Culpeper Concerned Citizens, addressed the Board about the Emery & Garrett (EGGI) Final Report Hydrogeologic Findings, Clevenger's Village. A copy of Mr. Burnett's report is on file in the Deputy Clerk's office.

Nancy Week, Jefferson District, expressed concern that information was not available before the meeting and asked that information regarding the changes be provided to the public prior to the 29<sup>th</sup> meeting. She said the South Wales Water/Sewer Plant has not operated properly for a number of years.

Tom Reichert, Rixeyville, briefly addressed the Board and spoke neither in favor of nor in opposition.

Jacques Queen, Fauquier County, informed the Board that he lived on the other side of the bridge in Fauquier County and that the development would be harmful to his farming operation because it would drain the Rappahannock River and he would not have any water for his animals. Tony Edwards, Jefferson District, stated that growth could not be stopped, but felt this project was not suitable for the area. He said he did not understand the reasoning for the public hearing if the project was not ready to be considered.

Aaron Greso, West Fairfax District, said he felt that it would be a city in itself and they could afford the amenities themselves. He asked the Board to take the postponement off the table and vote it down.

Margaret Rogers, Rappahannock County, spoke in opposition to the rezoning request and said she felt that Culpeper County would not benefit from the project.

Perry Cabot, representing Concerned Culpeper Citizens, addressed the Davenport Report on fiscal analysis and said that the current design was not positive because it did not confirm to the Comprehensive Plan.

Jim Epstein, owner of property on the southwest corner of Routes 211 and 229, stated that Centex still had numerous shortcomings in the plan and felt the citizens who resided in the area feared the unknown.

Jeannette Edward, Jefferson District, questioned the seriousness of Centex in trying to get it right and she felt the development would be a massive sprawl. She asked the Board to consider the input of the citizens who had spoken and to focus on smart growth.

Susan Day, Jefferson District, stated that she felt that Centex was not the company to implement the village concept as perceived in the County's Comprehensive Plan. She asked the Board to deny the request.

Brent Duckworth, Stevensburg District, expressed concern with the increased traffic and

asked the Board to consider denying the request.

With no further public comments, Mr. Coates closed the public hearing at 9:33 p.m.

**ADJOURNMENT**

Mr. Lee moved to adjourn at 9:34 p.m. Seconded by Mr. Chase.

Mrs. Hansohn asked that the public be notified when the revised proffers were received.

Mr. Egertson stated that material on the project was available for the public's viewing through his office and the revised proffers were due in his office two weeks in advance of the hearing.

Mr. Coates called for vote on motion.

Ayes all.

Motion carried 7 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

DATE APPROVED: July 6, 2004

**PLEASE NOTE:**

A copy of the transcript prepared by Lane's Court Reporters in its entirety on the Centex hearing held on April 6, 2004 is available for review in the Deputy Clerk's Office.